DETAILED ACTION

1. This office action is responsive to application No. 10/049,144 filed on 10/08/2009.

Claims 1, 8, 14-17, 19-30, and 32-33 are pending and have been examined.

Response to Arguments

2. Applicant's arguments with respect to **claims 1, 8, 14-17, 19-30, and 32-33** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 1, 8, 14, 16, 17, 21, 22, 25, 26, 32 and 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks et al. (US 5,826,166), in view of Gordon et al. (US 6,208,335), and further in view of Freimann et al. (US 6,134,554).

Consider **claims 1 and 8**, Brooks teaches a method for an interactive broadcasting system for controlling navigation events between a plurality of services and/or channels (Col 3: line 56 – Col 6: line 36), including at least one interactive decoder (DET - Fig.1; Col 4: lines 4-11), said decoder receiving broadcast applications, applications utilized by the decoder being categorised into at least two types of applications including a first type termed a surfer application for controlling said navigation and having knowledge of said services,

and a second type termed a built-in banner (Col 4: lines 21-36, Col 13: lines 34-65, Col 19: lines 18-27, Col 25: lines 45-60 teaches a navigation program(s) stored/downloaded providing user access to interactive services. This is done by downloading navigation application from a VIP {surfer application} to DRAM, or via the OS and resident application {built-in banner}) stored in NVRAM) corresponding wherein the decoder is configured to:

identify in a broadcast stream a surfer application; download the surfer application; detect a navigation event; performing an action in response to detecting said navigation event; check whether a first surfer application is available or said decoder is under control of a first surfer application (Col 25: lines 40-60, Col 26: lines 29-35 teaches checking to see if their is a VIP application {surfer application} from the broadcast channel carrying the software data carousel. If there is an application, it is downloaded into DRAM, and then executed by the DET. However, if no application is present DET returns to resident application state for viewing a particular channel);

route said navigation event to the first surfer application, in response to determining the surfer application is available or the decoder is under control of the first surfer application (Col 25: lines 53-60; Col 26: lines 29-34, Col 13: lines 15-54); and

route said navigation event to a built-in banner, in response to determining no surfer application is available and the decoder is not under control of a surfer application (Col 25: lines 46-53);

wherein the built-in banner comprises an application that is built-in to the decoder (Col 12: lines 5-6, 35-38, Col 13: lines 57-65) and is configured to:

control navigation events; and present said services to a user (Col 24: lines 34-51; Col 23: lines 19-25, Col 25: lines 46-53).

Brooks does not explicitly teach performing a test on a bouquet service list in response to an event, wherein said test comprises determining whether surfer linkage is provided;

if no surfer linkage is provided and no surf track is found, displaying no surfer application;

wherein the first surfer application is started in a transparent mode by default.

In an analogous art Gordon teaches, wherein the first surfer application is started in a transparent mode by default (Col 3: lines 20-30 teaches the graphics of the OSD layer {first surfer application} can be transparent; Col 7: lines 20-25, 31-40, 46-50, Col 8: lines 1-3 teaches that provided control instructions for a menu is contained in an applet that defines a transparent OSD. *The applet downloaded has already predefined how the OSD should be displayed, therefore the OSD is in transparent mode by default*).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Brooks's system to include wherein the first surfer application is started in a transparent mode by default, as taught by Gordon, for the advantage

of allowing the underlying video that lies beneath the overlay to be seen (Gordon - Col 3: lines 29-31).

Brooks and Gordon do not explicitly teach performing a test on a bouquet service list in response to an event, wherein said test comprises determining whether surfer linkage is provided;

if no surfer linkage is provided and no surf track is found, displaying no surfer application;

In an analogous art, Freimann teaches performing a test on a bouquet service list in response to an event, wherein said test comprises determining whether linkage is provided; if no linkage is provided and no track is found, displaying nothing (Col 4: lines 50-58, Col 5: lines 1-5, 13-20 teaches various tables such as bouquet association table {BAT} that may be received identifying the various services. Col 1: lines 54-62, Col 5: line 60 - Col 6: line 22 teaches comparing values received from the BAT to determine if a match is found between what is in the data that is being received and the desired data, if a match is found it is accepted, if no match is found it is rejected. *Therefore, if no match is found, nothing will be displayed or utilized to be executed*);

Therefore, it would have been obvious to one of ordinary skill in the art at to modify the system of Brooks and Gordon to include performing a test on a bouquet service list in response to an event, wherein said test comprises determining whether linkage is provided; if no linkage is provided and no track is found, displaying nothing, as taught by Freimann, in order to have a time efficient

matching algorithm allowing the system to quickly evaluate the currently received data and also an algorithm that uses a memory space efficient data structure (Freimann – Col 1: line 64 – Col 2: line 12), further allowing the system to quickly and effectively identify desired services from the received data stream, and also providing a common interface to all broadcast service providers, thereby benefiting from the existing tables.

In combination Brooks, Gordon, and Freimann teach a system where a surfer application is identified in a data stream such as receiving BAT identifying services resident in the stream. Brooks teaches a surfer application in a carousel, while Freimann teaches testing a bouquet service as to whether or not the desired service is available. In the combined systems, the BAT would evidently have surfer linkage and surf tracks identified in the BAT if they were resident in the stream, and in the test, a determination would be made to see if they were resident in the stream in order to properly receive and launch the surfer application, or not to launch it due to insufficient desired application data in the stream.

Consider **claims 14 and 22**, Brooks, Gordon, and Freimann teach wherein in response to detecting said navigation event and determining the decoder is under the control of the first surfer application, the method further comprises:

the first surfer application entering a visible mode of operation; and selecting a service corresponding to said navigation event (Brooks – Col 25: lines 53-60, Col 26: lines 29-36).

Consider **claims 16, 17, 25 and 26**, Brooks, Gordon, and Freimann teach the system and corresponding method wherein the decoder is further configured to present an interface including a list of surfers that allows the user to select one particular surfer application from said list and to come back to said list after selection, if desired (Brooks – Col 25: lines 28-46, 53-60, Col 26: lines 50-57).

Consider **claims 19 and 30**, Brooks, Gordon, and Freimann teach a service browser method and surfer application (Brooks - Col 4: lines 21-36, Col 13: lines 34-65, Col 19: lines 18-27, Col 25: lines 45-60 teaches a navigation program(s) stored/downloaded providing user access to interactive services. This is done by downloading navigation application from a VIP {surfer application} to DRAM, or via the OS and resident application {built-in banner}) implemented in a DVB environment and wherein surfer applications are signaled in bouquet association tables (BAT) (Freimann - Col 4: lines 50-58 teaches BAT that is part of a DVB standard).

Consider **claim 21**, Brooks, Gordon, and Freimann teach the surfer application has a visible mode of running (Brooks - Brooks – Col 25: lines 53-60,

Col 26: lines 29-36), but does not explicitly teach the surfer application has a transparent mode of running.

In analogous art, Gordon teaches the surfer application has a transparent mode of running (Col 3: lines 20-30, Col 7: lines 31-35 teaches the graphics of the OSD layer {surfer application} can be transparent).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of Brooks and Gordon to include in the surfer application a transparent mode of running, as taught by Gordon, in order to allow the underlying video that lies beneath the overlay to be seen (Gordon - Col 3: lines 29-31).

Consider **claims 32 and 33,** Brooks, Gordon, and Freimann teach the built-in banner is configured to present services without use of a downloaded surfer application (Col 12: lines 5-6, Col 13: lines 54-63, Col 24: lines 34-38, Col 25: lines 46-53 teaches the resident application can be used to present services to the user, and that the application and data in non-volatile memory may be loaded at the factory).

5. **Claims 15, 23, 24 and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks et al. (US 5,826,166), in view of Gordon et al. (US 6,208,335), in view of Freimann et al. (US 6,134,554), and further in view of Ichihashi et al. (US 5,903,262).

Consider **claims 15, 23 and 24**, Brooks, Gordon, and Freimann do not explicitly teach the surfer application is stopped when an application different from the surfer application is displayed, termed a normal application, and is re-launched when the normal application is finished.

In analogous art, Ichihashi teaches an information guide menu screen that provides different information exchange services for presentation to the user. When the user wishes to terminate the information exchange service, a menu button is pushed, therefor causing the selection menu screen for information exchange having plural selectors to appear again (Col 26: line 45 - Col 27: line 5; Col 31: lines 9-60).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of Brooks, Gordon, and Freimann to include stopping the surfer application when another application is displayed, termed a normal application, and re-launching the surfer application upon termination of the normal application, as taught by Ichihashi, in order to give the user the ability to activate and terminate different services through simple manipulation of a controller (Ichihashi - Col 27: lines 23-27).

Consider **Claim 27**, Brooks, Gordon, and Freimann teach the system according to claim 23 wherein the decoder is further configured to present an interface including a list of surfers that allows the user to select one particular

surfer application from said list and to come back to said list after selection, if desired (Brooks – Col 25: lines 28-46, 53-60, Col 26: lines 50-57).

6. **Claims 19 and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks et al. (US 5,826,166), in view of Gordon et al. (US 6,208,335), in view of Freimann et al. (US 6,134,554), and further in view of Arai et al. (US 2004/0221307).

Consider **claims 19 and 30**, Brooks, Gordon, and Freimann teach a service browser method and surfer application (Brooks - Col 4: lines 21-36, Col 13: lines 34-65, Col 19: lines 18-27, Col 25: lines 45-60 teaches a navigation program(s) stored/downloaded providing user access to interactive services. This is done by downloading navigation application from a VIP {surfer application} to DRAM, or via the OS and resident application {built-in banner}), but do not explicitly teach a DVB environment and Bouquet Association Tables (BAT).

In analogous art, Arai teaches a Digital Video Broadcasting (DVB) environment wherein contents common to the pieces of electronic program information of all broadcast service providers is prepared in a common electronic program information preparing unit, for example, a bouquet association table (BAT). In the BAT, names of channel services of all broadcast service providers, names of all transport streams including the channel services, and names of bouquets are described in a list. Each bouquet corresponds to one broadcast service provider (Paragraph 0219).

Therefore, it would have been obvious to one of ordinary skill in the art at to modify the system of Brooks, Gordon, and Freimann to include the service browser process to be in a DVB environment, and the surfer application to be signaled in a Bouquet Association Table, as taught by Arai, in order to provide a common interface to all broadcast service providers, thereby benefiting from the existing tables (Arai - Paragraph 0219).

7. **Claims 20, 28, and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks et al. (US 5,826,166), in view of Gordon et al. (US 6,208,335), in view of Freimann et al. (US 6,134,554), and further in view of Strauss et al. (US 5,790,173).

Consider **claims 20, 28 and 29**, Brooks, Gordon, and Freimann do not explicitly teach wherein a memory of the decoder comprises a plurality of surfer caches for storing corresponding different surfer applications, and selecting one of said downloaded surfer applications.

In an analogous art Strauss teaches, a memory of the decoder comprises a plurality of surfer caches for storing corresponding different surfer applications, and selecting one of said downloaded surfer applications (Col 18: lines 45-51 teaches different applications programs that may be downloaded to the DET for the user to interact with service providers. Col 23: lines 14-17, Col 25: lines 47-55, Col 27: lines 55-60 teaches the different types of applications programs)

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Brooks, Gordon, and Freimann to include wherein a memory of the decoder comprises a plurality of surfer caches for storing corresponding different surfer applications, and selecting one of said downloaded surfer applications, as taught by Strauss, for the advantage of efficiently storing and providing users with different applications that enable them to easily interact with services and navigate to selected desired selections for consumption.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON K. LIN whose telephone number is (571)270-1446. The examiner can normally be reached on 10AM - 6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on (571)272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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